

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 03-12438-PBS
 88 LOVELLS LANE, MARSTON MILLS,)
 MASSACHUSETTS,)
)
 Defendant.)

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Victor Miller, by his attorney, Joseph J. Balliro, Jr., submit this Joint Statement pursuant to Local Rule 16.1.

1. The parties have conferred pursuant to the Local Rules and confirm their obligation to limit discovery as set forth in Fed.R.Civ.P. 26(b).

2. The parties propose the following schedule for discovery events and the filing of pre-trial motions:

- a. discovery, including interrogatories and document requests, and any necessary depositions to be completed by October 1, 2004;
- b. dispositive motions to be filed on or before November 1, 2004;
- c. opposition to dispositive motions to be filed on

or before November 15, 2004;

3. The parties request that the Court then schedule a hearing on dispositive motions, or act upon the motions without hearing if the Court decides no hearing is necessary. If the case is not disposed of by motion, the parties will confer and then seek an additional Scheduling Conference with respect to further conduct of the case.

4. The parties also note that there is a separate, but related, Complaint for Forfeiture (04-10445-PBS), filed pursuant to 21 U.S.C. § 881(a)(6), against two 1969 Camaros, one GMC Sierra, and \$25,034 in United States currency claimed by Victor Miller. The second Complaint alleges that the Defendant Properties are subject to forfeiture as proceeds of drug activity, or property traceable thereto, and is based on the same factual investigation as the Complaint against the Defendant Real Property. This Court issued the Warrant and Monition in the second case on March 22, 2004; Victor Miller is being served with a copy of the Complaint, but has not yet filed his claim and answer.

5. Because the two Complaints are based on essentially the same investigation, and all the properties at issue have been claimed by Victor Miller, the parties expect that the second Complaint will proceed on the same litigation schedule as outlined above. The proposed schedule is intended to incorporate

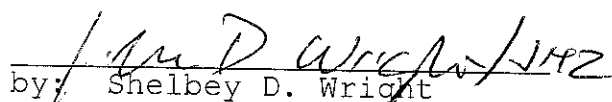
the notice and publication period required by the statute with respect to the second Complaint. The parties suggest that this approach would avoid having to proceed with separate discovery schedules and pretrial motions for two closely related cases.

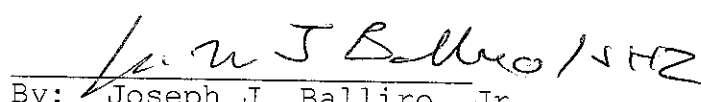
6. The parties consent to trial by magistrate judge.

Respectfully submitted,

MICHAEL J. SULLIVAN.
United States Attorney.

VICTOR MILLER,


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Date: April 9, 2004